



Austin City Council MINUTES

For JUNE 9, 1983 -- 12:45 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Elden Aldridge
Acting City Clerk

Memorandum To:

Mayor Mullen called to order the Meeting of the Council scheduled for 12:45 p.m., noting the presence of all Councilmembers.

PROPERTY VALUES DISCUSSED

Mr. Otis Budd, representing the Gault Street Neighborhood Association, appeared before Council to discuss trees and property values. He handed information to Council. CITY CLERK DID NOT RECEIVE A COPY.

City Manager Meiszer said he would have someone from the Electric Department meet with him and see what can be done to save the trees. Councilmember Duncan suggested the City may want to put underground utilities in that area.

AIR QUALITY

Mr. Raphael J. Miranda appeared before Council to discuss poor quality of air in downtown area at rush hours. He recommends a pollution control van.

DISTRIBUTION OF INFORMATION DISCUSSED

Mr. Paul Estrada discussed information distribution to the people of Austin. He hands out facts about sentencing to jurors. He has been told not to do this and he says the information does belong to the people. Mayor Mullen told him the County has jurisdiction over what is done in the County Court House. He said what Mr. Estrada is doing is good and perhaps they can go to the private sector.

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

C-SPAN Cable Service

Passed through THIRD READING of an ordinance authorizing the relocation of the C-SPAN Cable Service from Channel 19 to Channel 6.

Errors Corrected

Amended the following Zoning Ordinances to correct errors relating to the legal description and use designations:

- a. Ordinance No. 821104-C - Case No. C14-82-018
- b. Ordinance No. 810514-U - Case No. C14-80-224
- c. Ordinance No. 810819-K - Case No. C14h-81-008
- d. Ordinance No. 720615-G - Case No. C14-72-015
- e. Ordinance No. 820106-G - Case No. C14-81-083 (PASSED AS AN EMERGENCY)

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following:

DALE MARTIN By Alison Yeung C14-83-004	5516 Roosevelt Avenue	From "A" 1st H&A to "B" 1st H&A
SILVERSTONE JOINT VENTURE By Phil Mockford C14-81-062	5008-5208 Canella Drive 4902, 4904, 5000, 5002, 5004, 5100, 5105, 5104 & 5108 Quicksilver Blvd.	From "AA" 1st H&A to "A" 1st H&A
FRONIA PROPERTIES MARJORIE JOSEPH, THE ESTATE OF FRONIA JOSEPH & JOHN JOSEPH C14-83-009	401-411 East 8th Street 711-713 Trinity 710-714 Neches	From "C" 3rd H&A to "C" 4th H&A

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. ATLAS UTILITY SUPPLY COMPANY
2301 Carson Road
Fort Worth, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
PVC pipe, Parks and Recreation
Department
Items 2 - 6 - \$20,650.35
C.I.P. No. 82/23-85 |
| b. SEARS CONTRACT SALES
1317 Hyman Lane
Austin, Texas | - Microwave Ovens, Fire
Department
Item 1 - \$6,400 |
| c. RIVER CITY MACHINERY COMPANY
10411 N. Lamar
Austin, Texas | - Vibrating Rollers, Vehicle and
Equipment Services Department
Item VR-1 \$14,678.00 |
| d. MORGAN BUILDING SYSTEM
410 East Ben White
Austin, Texas | - Portable Office for the Aviation
Department
Item 1 - \$9,958 |

License Agreement

Authorized execution of a License Agreement with the Missouri Pacific Railroad Company for the construction of a drainage channel on railroad right-of-way.

SER Jobs

Approved expansion and modification of contracts with SER-Jobs for Progress (MBE) in the amount of \$66,199.00 and Williamson-Burnet County Opportunities, Inc. in the amount of \$30,416.00 to increase CETA funds available for these contractors to serve the CETA eligible population.

Standard Rehabilitation Loans

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorized staff to enter into appropriate contracts:

- a. Imperial Construction - \$11,870
- b. Fulford Construction - \$18,594
- c. Texas Western Association - \$14,161
- d. Imperial Construction - \$12,500
- e. KM Construction - \$18,525
- f. Fulford Construction - \$19,280
- g. Fulford Construction - \$18,000
- h. Fulford Construction - \$16,500

LOANS - (Continued)

- 1. Texas Western Association - \$11,800
- j. Fulford Construction - \$17,700
- k. Fulford Construction - \$18,976
- l. Guaranteed Descaling, Inc. - \$16,600
- m. E & T Masonry (MBE) - \$18,375
- n. Austin JJJ Corp. - \$13,775
- o. Texas Western Association - \$15,000

Public Hearings Set

Set public hearings on the following:

- a. An appeal filed by the Hyde Park Neighborhood Association on the decision of the Building Standards Commission to grant the following relocation permits on June 16, 1983 at 4:00 p.m.
 - (1) 4104 Speedway to Out of City
 - (2) 4013 Speedway to 801 Ethel Street
- b. Change the designation of certain tracts within Williamson County MUD No. 1 along U.S. Highway 183 North, from full purpose to limited purpose annexation for June 29, 1983 at 4:00 p.m. at the site; and June 30, 1983 at 4:00 p.m. in the Council Chamber.
- c. An appeal from Richard McLaughlin & Anna Parker, representing North Creek Community Association, of the Planning Commission decision on Case No. C14p-83-038 for June 30, 1983 at 5:00 p.m.
- d. An appeal from T.J. "Jack" Morton, of the Planning Commission's decision to deny a Special Permit for Case No. C14p-83-041 for June 30, 1983 at 5:10 p.m.
- e. An appeal from Merle L. Moden of the Planning Commission's decision to grant a Special Permit for "Mearns Meadow Apartments" Case No. C14p-83-031, June 30, 1983 at 5:20 p.m.
- f. An appeal from Merle L. Moden of the Planning Commission's decision to grant a Special Permit for "The Country Place Apartments" Case No. C14p-83-015 for June 30, 1983 at 5:30 p.m.

Public Hearing Cancelled

Cancelled the public hearing set for 5:00 p.m. on June 16, 1983 on an appeal from Mr. Merle L. Moden, of the Planning Commission's decision granting a Special Permit to Colony Creek, (C14p-83-029)

MEETING WITH AISD BOARD MEMBERS

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, appointed Councilmember Shipman and Mayor Mullen to the committee of Councilmembers to meet with A.I.S.D. Board members. (7-0 Vote)
(Councilmember Urdy is already a member.)

REFUNDING OF BONDS

Mr. Scheps, Director of Finance, presented the City Manager report from the Finance Department on Advance Refunding of City of Austin Combined Utility System Revenue Bonds. He referred to the report which had been distributed. CITY CLERK DID NOT RECEIVE COPY.

Mr. Scheps said there are three things separate concerning advance refunding. "First is a straight high to low refunding. Two bond issues that we sold since the last refunding. These you can think of as being reasonably simple. We sold a \$55,000,000.00 issue in June of 1982 with an interest cost of about 12.70 and an \$81,000,000 issue in November of 1982 with an interest cost of 10.67. Similar issues today would go for about 9.75 so the way the arbitrage laws work is you can take advantage of the fact the bonds are callable at sometime in the future. If it were now 1993 we could give the bond holders their money back with a premium and in essence buy back our obligation to pay them high interest rates. It is not 1993 and the way you have to do this in advance is sell another bond issue and put that money in escrow where the escrow is invested in United States Treasury obligations tailored to pay the interest on those bonds until 1993 at which time the bonds are called. It is similar to refinancing your house, taking high interest rates to low interest rates. The second type available to us is refunding the high coupon bonds associated with the prior refunding that we did last year. This is more complicated because whenever you refund a refunding you have to either make plans to recover the issuing expenses for that prior refunding which was not legal at the time but which is legal now and secondly you have to take into consideration the fact the account is transferred proceeds. There is an arbitrage law where you have to understand what you have done and what you have done now. It is a complex piece of computer work and more complicated than the first type which is straight refunding of construction bonds. Third is the refunding of the \$30,000,000.00 of Certificate of Obligation which we have said we would probably do when the voter approved Revenue Bonds, \$97,000,000 is freed up from the Court. The present value savings are available when you take high interest bonds and replace them in essence with low interest bonds and they can be recovered in several ways. You can take it all out up front. Our debt service would remain the same and we would end up with cash. You can take it out as over a function of time. We would end up with no cash but debt service would go down. You can also structure it to where you had savings in the earlier years and dis-savings in the later years. ... We see some problems in the over all posture of the City at this point. We probably have a bond election coming up. We have legal problems that need to be cleared up including our South Texas Project problem and the suit against the bonds. The bond market is not particularly strong at this point in time to do this. It should be looked at but not rushed into."

Discussion followed.

CIP AMENDMENT

The Council, on Councilmember Spaeth's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the 1982-83 Electric Capital Improvements Program and the 1982-83 Electric Utility Operating Budget by transferring \$3.5 million from the Electric Utility Ending Balance to the Electric CIP and appropriating to the Fayette Power Plant Unit 3 project to pay for the City of Austin's share of project. (6-1 Vote, Councilmember Duncan voted No.

Councilmember Duncan stated he is opposed to the fuel source for Fayette 3.

CAPITAL IMPROVEMENTS PROGRAM

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving and authorizing the adjustment of the Texas Pipe Line Company Transmission Line crossing the proposed Stassney Lane Bridge Project East of I.H. 35, in an estimated amount of \$14,936.00. CAPITAL IMPROVEMENTS PROGRAM No. 81/62-26. (7-0 Vote)

Prior to the vote Councilmember Spaeth asked if this is needed. Mr. Richard Ridings, Director of Public Works, told him the line is 2' below the road and needs to be encased in the Texas Pipe Line Company Transmission Line property. Mr. Ridings said the road could be built over the line but if a problem ever arises with it Stassney Lane would be torn up for repairs.

COMMUNITY FACILITIES CONTRACT

The Council, on Councilmember Shipman's motion, Mayor Mullen's second adopted a resolution approving a Community Facilities Contract for participation with developers for street and drainage improvements to Floral Park Drive from the eastern boundary of Hollow Canyon I Subdivision to Jollyville Road. (7-0 Vote)

Councilmember Shipman said she wanted to share with Council, through Mr. German, Assistant City Manager, the trade off as a point of information. Mr. German stated, "What is proposed in this contract is that the City would waive the fiscal requirements for improvements to Jollyville Road, generally amounting to about \$95,000.00 for 1100 feet of road. In exchange the property owner or the subdivider would buy a piece of land, which he already has done, at a cost of \$60,000.00 and build a 44' street curbed and guttered to full City standards across that land, estimated at about \$11,000.00 and also they have already traded for other property as a part of the land acquisition for 21,000 square feet at another location. All of that, we feel, comes out to the same amount of money. That is the essence of the agreement."

SENIOR HOME NUTRITION PROJECT

The Council, on Councilmember Spaeth's motion, Mayor Pro Tem Trevino's second, adopted a resolution authorizing submission of a grant application to the Capital Area Planning Council in the amount of \$14,250 to operate a Senior Home Nutrition Project in Austin and Travis County for one year beginning October 1, 1983. (7-0 Vote)

June 9, 1983

**DIVESTITURE AGENT FOR SALE OF
SOUTH TEXAS PROJECT**

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, adopted a resolution selecting Merrill-Lynch as divestiture agent for the sale of the City's 16% interest in the South Texas Project. (7-0 Vote)

Mr. Scheps, Director of Finance, told Council they sent an RFP out in early May to ask an investment banking firm to represent them as the divestiture agent. They received four responses and two can be considered as proposals. They reviewed them and would like to recommend Council ask the City Manager to negotiate a contract with Merrill-Lynch based on their proposal. "They are willing to represent us at no cost other than reasonable out-of-pocket expenses at a fee to be paid in the event of a sale of part or all of our interest in the South Texas Project, would be payable to them in the amount of .4 tenths of the sale price."

Mayor Mullen asked for a per diem clause in future contracts so Council can understand what it means. Councilmember Spaeth said he would rather have the divestiture agent on a retainer than a percentage and pay them a percentage of the sale if they get it. Mr. Scheps said Merrill-Lynch will bring back a work plan.

BOAT DOCK APPROVAL

The Council, on Councilmember Rose's motion, Councilmember Spaeth's second, adopted a resolution to approve a boat dock with living quarters above it for the property at 2609 Scenic Drive. (6-0 Vote, Councilmember Shipman abstained.)

Prior to the vote Dana Copp, representing the property, told Council they will not put any fill into the lake as originally planned.

ZONING HEARING - CONTINUED FROM JUNE 2, 1983

Mayor Mullen opened the public hearing set for 2:00 p.m., which was continued from June 2, 1983, on the following. Council heard, closed the public hearing, granted and requested the City Attorney to draw up the necessary ordinance:

C14r-83 JONES-PREWITT
029 DEVELOPMENT, INC.
By Kinney Kaler
Crews

9119-9143 Jollyville
Road
9372-9394 Research
Boulevard

From "A" 1st H&A
to Tr. 1 "O" 2nd H&A
Tr. 2 "LR" 1st H&A

RECOMMENDED

GRANTED WITH CONDITIONS AND APPROVED
REVISED SITE PLAN

Dr. Benson, Director of Urban Transportation, reviewed the traffic expectations in the area. His report is on file in the City Clerk's office.

Gerard Kinney, applicant; Bob Leonard; Gary McKenzie, Balcones Civic Assn.; Nick Brown, Balcones Civic Assn., all discussed the traffic. The representatives of the Balcones Civic Association said they prefer the site plan already approved rather than the revised plan because they feel the traffic impact will be 50% less in their area.

ZONING - (Continued)

Motion

Councilmember Shipman made a motion to approve zoning change as recommended and approve revised site plan and: (Councilmember Spaeth seconded the motion)

1. Move forward with traffic study in 30-45 days
2. We accept the applicant's willingness to participate in storage costs of 183, widening of Jollyville Road, participate in the traffic signal at Mesa and Jollyville Road, signage be maximum of 50% of allowed, that the signage would be less than that and we accept his willingness to reduce the gross square footage to 75,000 square feet.
3. Limit to 1st H&A on the Jollyville side.

Councilmember Spaeth said he thinks landscaping should be included.

Mayor Mullen asked the applicant if he agrees to the conditions stated.

Gerard Kinney said yes. The percentage can be determined when the project is complete.

Discussion followed of shares if someone is allowed 3rd H&A, etc. Mayor Mullen said the share will be determined by how Council makes future zoning decisions.

Councilmember Shipman stated, "What we have done is trade off a greater height with one building as opposed to a series of buildings at 1st H&A and a through street. I am convinced a through street is the worst thing that can happen to a neighborhood for the next 20 years."

Mayor Mullen said he does not want to set precedents. Councilmember Shipman said, "I am convinced the study will....if it is not recommended by the Planning Department, applicants will be discouraged from further filing." Mayor Mullen said, "I wanted that stated for the record so applicants can understand that the Council is not necessarily setting any precedent for 2nd H&A. Not necessarily saying they are not but also not necessarily saying they are."

Gerard Kinney stated, "We agree to the conditions as stated."

Roll Call

7-0 Vote

June 9, 1983

PUBLIC HEARING - STREET VACATION

Mayor Mullen opened the public hearing set for 3:00 p.m. to consider vacating Funston Street Right-of-Way (3400 block) as requested by Ms. Frances Stephanian.

Mr. Richard Ridings, Director of Public Works, told Council this involves 700 square feet of property at a dead end area. All City departments involved recommend the vacation. Mr. Ridings said it is necessary to maintain this as a public utility easement and the property owners will maintain the area.

No one appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed ordinance vacating Funston Street right-of-way (3400 block). (7-0 Vote)

PUBLIC HEARING - STREET VACATION

Mayor Mullen opened the public hearing set for 3:15 p.m. on vacation of Haywood Avenue right-of-way as requested by Metcalfe Engineering Company, Inc.

Mr. Ridings said the vacation is recommended by City departments.

No one appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating Haywood Avenue right-of-way. (7-0 Vote)

RECESS

Council recessed its meeting at 3:15 p.m. and resumed its recessed meeting at 3:30 p.m.

SOUTH AUSTIN INFILL STUDY AREA

Council had before them an ordinance to consider amending the moratorium on the processing of Special Permit applications in the South Austin Infill Study Area. (Consideration is continued from June 2, 1983.)

Terry Bray appeared before Council to say Mr. Schwing, Director of Water and Wastewater had confirmed the facts of his case as told to the Council on June 2, 1983.

Mr. Schwing said this has been a long, drawn out application and should be granted. He feels the applicant was caught in a situation.

STUDY AREA - (Continued)

Discussion followed concerning facts as presented on June 2, 1983.

Jack Goodman, Cooper Lane Neighborhood Association, told Council if they approve this it will open the flood gates.

James Pinada, United South Austin, discussed the applicant's statement that he has a vested right to proceed with the process.

Terry Bray said this is a basic fairness question and processing under a Special Permit.

Councilmember Duncan stated Council should not allow staff errors as a basis for delay and non-enforcement of the moratorium imposed.

Motion

Councilmember Duncan made a motion, seconded by Councilmember Shipman to deny an amendment to allow processing of the Special Permit.

Councilmember Spaeth noted that the field notes were lost and feels it is not just a delay but a major error. Councilmember Urdy feels the line must be drawn somewhere in order to enforce the moratorium.

Roll Call on Motion - FAILED

3-4 vote, FAILED, with Mayor Mullen, Mayor Pro Tem Trevino, Councilmembers Rose and Spaeth voting No.

Councilmember Spaeth made a motion, seconded by Mayor Pro Tem Trevino to approved the amendment to the moratorium because of the field note error. Councilmember Duncan said the motion should be stated so it says the exception is valid where field notes are lost and it hinders the developer. Assistant City Attorney Nias said the applicant does have water and wastewater commitments and the ordinance amendment should be written to distinguish that. City Attorney Albert DeLaRosa said there can be a Special Ordinance for this one only. He said he would write one and Council can come back later in the day to vote on it.

Councilmember Rose stated for the record that he voted as he did solely because the field notes were lost and he wants to be fair to the applicant.

LATER IN THE DAY: City Attorney read the following into the record:

"This will be an ordinance amending the moratorium on the processing of Special Permit applications in the South Austin Infill Study Area by exempting the 30 Limited project on eight acres on Stassney Lane at Radam Circle.

"WHEREAS the property has been zoned for commercial and multi-family development and it had utility commitments for development for over ten years; and
WHEREAS the final subdivision plat to allow development of this property

STUDY AREA - (Continued)

was filed with the City in December of 1981; and

WHEREAS the final subdivision plat received approval from all City Departments except the Water and Wastewater Department; and

WHEREAS the owner worked diligently over the past eighteen months with the Water and Wastewater Department to establish commitments for water and wastewater service have existed for the property for over ten years, and

WHEREAS the Director of Water and Wastewater appeared before the City Council and stipulated that administrative delay had occurred in establishing that commitments for water and wastewater capacity existed for this property, and

WHEREAS the Director of Water and Wastewater has stated that such commitments have existed for over ten years, and

WHEREAS the owner was further delayed by incorrect field notes prepared by the City and corrected field notes were not available from the City until May, 1983,

BE IT ORDAINED that the recitals contained herein are true and correct and that they performed the unique factors herein above stated that there is a finding by the City Council that equity and fundamental fairness require that this exemption be granted."

Motion

The Council, on Councilmember Spaeth's motion, Mayor Pro Tem Trevino's second, PASSED THROUGH FIRST READING ONLY an amendment to the moratorium on the processing of Special Permit applications in the South Austin Infill Study Area. (AS STATED BY CITY ATTORNEY DE LA ROSA) (4-2-0 Vote, Councilmembers Duncan and Urdy voted NO, Councilmember Shipman was out of the room.)

PENDING ZONING APPLICATIONS

Council considered the following pending zoning applications, continued from the June 2, 1983 Council Meeting. Council heard and granted as recommended as follows and closed the public hearing.

C14-79	FRANK Y. SMITH	10540-11740 U.S. 183	From Interim "AA" 1st H&A
032			To "O" 1st H&A
			RECOMMENDED EXTENSION
			<u>EXTEND 180 DAYS, THEN COME BACK TO COUNCIL</u>

Stan Meeks, representing applicant said the present zoning is tied to the site plan which was submitted three years ago by a man who did not buy the property. Mr. Meeks bought the property two years ago and still does not have any utilities.

Councilmember Duncan made a motion to allow withdrawal. Mayor Mullen suggested a 180 day extension and then come back to Council.

(On Mayor Pro Tem Trevino's motion, Mayor Mullen's second, 7-0 Vote.)

PENDING ZONING APPLICATIONS - (Continued)

C14-79	JOAQUIN ZENDEJAS	106-300 E. Rundberg	From Interim "AA" 1st H&A
263		Lane	To "LR", "O" & "A-2" 1st H&A

RECOMMENDED EXTENSION
GRANTED EXTENSION FOR 180 DAYS

Mr. John Meadows, representing Joaquin Zendejas, a resident of Mexico, told Council the property was acquired two years ago. Mexico has now restricted the removal of funds from that country, so Mr. Zendejas has the property listed for re-sale.

(On Mayor Pro Tem Trevino's motion, Councilmember Spaeth's second, 5-2 Vote, Councilmembers Duncan and Rose voted No.)

ZONING HEARING CONTINUED

Mayor Mullen opened the zoning hearing set for 4:00 p.m. Council heard and voted to continue the hearing to June 16, 1983 at 3:30 p.m.

C14-83	DAVID L. HOUSTON	2100 Rio Grande	From "B" 2nd H&A
082	By Ronald D. Houston	700 West 21st	To "O" 2nd H&A

Mr. Lillie reviewed the application. He said the Planning Commission recommended the revision 8-0. The structure will be maintained.

Ron Houston, applicant, told Council they plan to retain the structure. He asked that the hearing be continued until next week as he wants to discuss the parking situation with Save the University Neighborhood Association.

(On Councilmember Shipman's motion, Councilmember Mullen's second, 7-0 Vote)

EXECUTIVE SESSION

Mayor Mullen announced that Council will convene in a closed or executive session authorized by Section 2, Paragraph g of Article 6252-17, discussion of personnel matters, and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for executive session at 4:15 p.m. and resumed their recessed meeting at 6:55 p.m.

EXECUTIVE SESSION ACTION

Mayor Mullen announced "We have just had a long session about the City Manager and about the direction that this City Council wants to take for the next two years, having to do with the way the City is managed, having to do with how we feel about staff, our expectations. We've been setting goals and objectives for quite some time and there has been some discussion about whether we are serious about our goals and I can tell you that this Council is serious about their goals and objectives. We are here to work together, through the City Manager to make them happen. Austin is much too large to individually go out and try to be so egotistical that we think each of us can get up here, work by ourselves and get things done. We are going to be working together as a Council through the City Manager. We are delivering the City Manager a very strong message that we expect the staff and we expect every member of the staff to have a 'can-do' attitude in this City as opposed to how can we stop things, how can we stop people, how can we divert them, how can we hold them up. We expect our staff through our City Manager to say, how can we help, how can we be innovative, how can we set new directions and solve our problems. We expect our staff to be professionals and we know that a lot of that comes from a lack of attitude on the Council expecting professionalism. When we get information from staff sometimes we allow our boards and commissions to give more credence than professional staff members. We are telling our City Manager we want that kind of attitude to be turned around. We want our professional people to give professional opinions and we will decide if we want to go along with them or go in another direction, but we want straight answers. We want yes and no. We have articulated that to our City Manager. One of the key things we have said is that we want everyone in this City to realize that from this position here, the City Council, the City Manager, every staff member and everybody that answers the telephone or in any way has any contact with the public, that they understand that we understand that we are servants of the people and we are here to help. We want a new attitude in some areas of the City. In some areas we have extremely good competent people trying to help, but in the areas that we don't have that we have articulated to the City Manager that we want a change in that attitude and we as a City Council are going to try to set that tone through the City Manager and he will try to set that tone through his staff. These are things that need to be said. It is a new day in Austin and we are going to have a City Manager-Council form of government like it is set out in the Charter until the Charter is changed."

Mayor Pro Tem Trevino said the Mayor has spoken for the Council and the staff and the general public should know the Council's feelings and made the following motion:

Motion

Mayor Pro Tem Trevino made a motion to give the City Manager a vote of confidence. Councilmember Rose seconded the motion which passed by a 7-0 Vote.

Mr. Meiszer, City Manager, stated, "I can tell you how important this is and how totally dedicated I am and I think the entire staff is to bringing about the kind of City you want Austin to be. I just want to say we are totally committed and we will produce the results you want produced."

MUD SERVICE AREA AMENDED

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution amending the service area for the North Austin Municipal Utility District #1 to include two areas north of 620. (7-0 Vote)

Action on the resolution was continued from May 26, 1983. Prior to the vote, Mr. John German, Assistant City Manager, asked Mr. Brown to report to Council. He said, "We are the land owners in the area and were taken by surprise on the City's desire to service the area. I am excited and glad to see the City make this decision The land use density mentioned in the memorandum from Mr. German's office, is quite a bit less than the land use density in the MUD district. I want the City, the Council and Mr. German's office to know that we will be glad to work with them in order to increase the density on our tracts and would like to ask the Council to ask Mr. German's office when they are planning land use density in the area and utility extensions to let us have the chance to help pay for it too. I understand we are a little late in being able to help pay for the cost of this line but if there is a chance in the future of any construction of utility lines, we welcome the chance to participate."

PUBLIC HEARING - AMENDMENT OF CODE REGARDING OFF-STREET PARKING

Mayor Mullen opened the public hearing set for 5:00 p.m. on an amendment to Chapter 13-2 (Zoning Ordinance) of the Austin City Code regarding off-street parking requirements.

Mr. Lillie told Council that for the past few years the Planning Commission has been using a standard for determining off-street parking spaces for automobile repair garages and terminals. The standard was a house rule to see if it was reasonable. Over the two years half a dozen or so applications were filed and it has been found to be reasonable. This amendment places those standards into the Zoning Ordinance so it will no longer be necessary for applicants to come before the Planning Commission but simply in their building permit request have provided the spaces provided in the ordinance. It simplifies the process and speeds up an application by property owners."

No one appeared to speak.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 (Zoning Ordinance) of the Austin City Code regarding off-street parking requirements. (6-0 Vote, Councilmember Shipman was out of the room.)

CONTINUED PUBLIC HEARING - ZONING CASE

Mayor Mullen opened the continued public hearing on the following zoning case. Council heard, closed the public hearing, granted and instructed the City Attorney to draw the necessary ordinances.

C14 -83	DR. LUCY MARRERO	800-804 South Center	From "O-1", "LR", &
054	DR. DOYLE LESLIE	3604-3618 South 2nd	"A" 1st H&A
	By Mauro, Sarrett, Street		To "LR" 2nd H&A
	& Wendler		NOT RECOMMENDED
			RECOMMENDED "LR" 2nd
			for footprint only
			limited to 40' height,
			grant "O-1" 1st for
			remainder of tract,
			subject to Items 2, 3,
			4 & 5 of written
			agreement between
			applicant and neighbor-
			hood, dedicate 30' of
			right-of-way from
			centerline on South 2nd
			Street, accept alternate
			site plan.

CLOSED PUBLIC HEARING AND GRANTED AS
RECOMMENDED

Mayor Mullen asked if anyone was present who opposed the alternate recommendation.

Martin Estrada, 3606 Via Court, asked Council to deny the zoning change. He said their quiet neighborhood is becoming over congested by traffic from surrounding streets. The building of an apartment complex in the area will just compound the problem.

Miguel Guerrero, representing the applicants, said they have a sensitive plan which has been worked out with the neighborhood. They agree to tie the zoning to a site plan. He showed Council the site plan and said they agree to abide by the specifications of the Planning Commission.

(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, 5-1 Vote, Councilmember Shipman was out of the room Councilmember Duncan voted No.)

PUBLIC HEARING - PROPOSED CHANGES IN THE CITY CHARTER

Mayor Mullen opened the public hearing set for 6:00 p.m. on Proposed Changes in the City Charter.

Mayor Mullen asked for all the members of the newly appointed Charter Revision Commission to stand in front of the Council Chamber and introduce themselves. They are: Bernard Snyder, who previously served six years on the Planning Commission; Kurt Vander Meulen; Michele Mandell; Gabe Gutierrez; Margaret Gomez; Caroline Scott; Mary Ann Neely, Gary Witt, Bert Cromack and Daron Butler. Volma Overton, also a member of the Committee, was not present in the Council Chamber.

Mayor Mullen said, "We appreciate all of you being here and I know it will be hard work and a hard task."

Gabe Gutierrez, member of the Charter Revision Commission told Council the Commission has not gotten together yet and has as yet not had a mandate to do so although he understands there will be some instructions coming forth. "One of the suggestions that I would like to make and I am sure we will be considering as a committee. That is that the Council mandate the Committee to come up with a recommendation as to what kind of plan we recommend. We use maps only for the purpose of aiding our decision as to whether it is going to be a 7-1, 8-1, 10-1 or what have you. And after the referendum passes, and we are hoping it will, that then you also mandate for us to come up with a plan to be mandated within 60 days or adopted by you in 60 days, the thrust of it would be that we would eliminate the possibility of fractionalizing the community by a specific plan that would cause certain disgruntlement on certain groups or communities or neighborhood organizations. Therefore my recommendation would be that you mandate us along with other charter amendments and ask the single member districts to come up with a numbered plan or a combination plan and that we hold the referendum on that Charter amendment and other Charter amendments and if that particular Charter amendment of the single member district passes, then that the Charter amendment provide that Council shall have authority to re-district or to implement a specific plan and from time to time to redistrict according to Constitutional mandates because of shifts or growth in population."

Mark Mullen, president, South Austin Democrats, said they urge the Charter Revision Commission adopt a plan for single member districts. They feel all areas of the City will be better represented and feel like the City Council candidates will not have to spend huge sums of money to be elected or attempt to be elected to the City Council.

Laraine Benedikt, representing Quality Austin, applauded Council's efforts in getting the Commission appointed. They would like to see equitable, fair, just and open meetings held with minimal politicization of the planning that will be done. They want to be informed as often as possible when the Commission will be meeting and want to be able to provide input with all members of the public. "We feel in the past the business and investment community has been left out of the process and we would like you to know we are here to help provide input and be a part of the Charter Revision Commission work."

CHARTER - (Continued)

Father John Korchmeier encourages a change in the Charter in favor of single member districts. Where one lives, he said, really makes a difference on how one views things. A democracy needs to hear as many different voices as possible in order to function well. Father Korchmeier noted there are not too many women on the Council. He said we have to have a mix of people.

Harry Nolen, former City Councilmember, stated "I come to bury those committees rather than to praise them. I want to know, as one who has as much interest in this matter as anyone in this town, as one who has put in more time, more sacrifice and more effort in order to establish the City Manager form of government and the shape it is in. I decry any effort to see a change to something that is far more inefficient and far more far fetched in comparison to what we have now. This City Manager and this Council has operated for years without any distractions and without any dishonor to any of the members. It's been fine and gotten us into a good position and I want to see why we have to change. ... I would like to know if there is any one of these proponents here for the proposal who will come forward and tell me they have seen and they know personally or any city who is operating under the aldermanic system successfully without blackmail, without robbery, without thefts of all kinds. I will cite you the four cities in the United States governed by the aldermanic system who have been the depths of all our dirty politics and those are Tammany Hall, Mayor Curley of Boston, Mayor of Kansas City....all those cities have been obsessed and blackened by efforts of the Councilmembers. Single member system will bring the City down to a division of the districts, ".....(AT THIS POINT THE COUNCIL CHAMBER WAS IN TOTAL DARKNESS AS THE LIGHTS OF THE CITY OF AUSTIN WENT OUT DUE TO A WIDE SPREAD POWER FAILURE.) Mr. Nolen continued speaking and said he is not for single member districts because they would be controlled by big developers who have the money to spend for elections.

Jorge Zapata, City of Austin employee, spoke in favor of single member districts. He also wants the Charter amended to allow participation of City employees in City elections.

C.J. Carl commended the appointment of Charter Revision Commission. He said a combination of structure would be divisive and single member districts would be the best because they are closer to the people. He feels the community is best served by a Mayor-at-large.

Philip Blackerby spoke in favor of single member districts and opposes repeal of voter approval of revenue bonds.

Smoot Carl-Mitchell said there should be a 3/4 vote of the Council in order to overturn the ruling of the Planning Commission.

Palmer Wright said the Charter is the strength of the City Council. Boards and commissions have their weights and balances and single member districts are needed. He believes the elected representatives should be protected from City bureaucracy and that the City Attorney should be hired by the Council. Mr. Wright also said all department heads should be protected against being taken by land developers.

Phyllis Brinkley spoke in favor of single member districts.

CHARTER - (Continued)

Frances McIntyre, League of Women Voters, urges more citizen participation in government.

Will Dibbrell spoke in favor of single member districts and believes there should be separate planning and zoning commissions.

Sharon Warner, Austin Women's Political Caucus, said they favor single member districts.

Carol Haver, Austin Women's Political Caucus, said they think the City needs single member districts.

Pete Fears, representative of AFSCME, said the following issues should be addressed: (1) campaign rights of City employees off duty and out of uniform; (2) the City pension formula is locked into the City Charter with no room for flexibility...rather than a salary raise, 5% of an employee's pension contribution should be paid by the City. This would actually give the employee more of a raise; (3) the grievance process is too awkward.

Cara McGilla, Capital City Chamber of Commerce, told Council they represent the Black population in Austin. She wants the Charter to provide for the setting aside of 10% of City contracts for minority business.

MOTION

The Council, on Councilmember Spaeth's motion, Councilmember Rose's second, closed the public hearing. (6-0 Vote, Councilmember Shipman was out of the room.)

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on July 7, 1983.

- | | | |
|---------------|--|--|
| 1. C14-80-039 | JEROME STARK
By: Jim Rattigan
6615 Manchaca also bounded
by Barge Street
(Cherry Meadows Neighborhood Assn.)
(Miles Avenue-Manchaca Estates Assn.)
(Southwest Austin Homeowners Assn.) | Amendment to
Restrictive Covenant |
| 2. C14-83-030 | JOE P. HOFFMAN
By: Jeryl Hart Engineers
1115-1213 W. Stassney Lane
(Far South Austin Community Assn.)
(Pleasant Hill Neighborhood Assn.) | FROM: Interim "A", 1st H&A
TO: "B", 1st H&A |

3. C14r-83-044 SYLVION KIVLIN
5917-6599 South IH-35
(Nuckols Crossing Neigh. Assn.)
FROM: Interim "A", 1st H&A
TO: "GR", 1st H&A
4. C14-83-058 PROVIDENT DEVELOPMENT COMPANY
By: J. Morton
6102-6104 Hill Forest Drive
(West Creek Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "A-2", 1st H&A
5. C14-83-065 BILL MILBURN, TRUSTEE
By: Scott Roberts
11623 Spotted Horse Trail
(Mesa Park Civic Assn.)
(Northwood Neighborhood Assn.)
(Dorsett Road Neighborhood Assn.)
(Balcones Woods Homeowners)
FROM: Interim "A" &
Interim "AA", 1st H&A
TO: "A-2", 1st H&A
6. C14-83-066 HIGHLAND HOSPITALITY, INC.
By: Howard Brunson
803 - 809 Tirado also bounded
by Middle Fiskville Road
(No formal neighborhood group)
FROM: "C", 1st H&A
TO: "C", 2nd H&A
7. C14-83-067 LEFFLER MILLWORK COMPANY
By: Howard Dorris, P.E.
6813-6813B & 6813C & 6815
McNeil Road also bounded by
Technology Blvd.
(Northwood Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "D", 2nd H&A
8. C14-83-068 MRS. VICTOR GLECKLER
By: James A. Edwards
5340-5346 Thunder Creek Rd.
(Angus Valley Area Neigh. Assn.)
(Northwest Oaks Neigh. Assn.)
FROM: Interim "AA", 1st
H&A
TO: "GR", 1st H&A
9. C14-83-069 JOHN B. HOWELL
By: Elvis G. Schulze
1107 W. 45th Street
4421 Bellvue Avenue
(Rosedale Neighborhood Assn.)
(Central Northwest Neigh. Assn.)
FROM: "A", 1st H&A
TO: "O", 1st H&A
10. C14-83-070 THOMAS E. HUGHES
3418 Blumie Street
(No formal neighborhood group)
FROM: Interim "A", 1st H&A
TO: "GR", 1st H&A
11. C14-83-071 CAPITOL CITY STEEL COMPANY
By: Brad Shearer
6717 Circle S Road
(Far South Austin Community Assn.)
FROM: Interim "A", 1st H&A
TO: "DL", 1st H&A

12. C14-83-072 WILLIAM B. AND AILEEN SHARP FROM: "A", 1st H&A
By: Melba Aileen Gillis TO: "O", 1st H&A
3718 Manchaca Road
(Prather Lane Assn. of Neighbors)
13. C14-83-073 M.D. THOMSON & WILLIAM M. BROOKS FROM: "A", 1st H&A
By: Miguel "Mike" Guerrero TO: "O", 1st H&A
1000-1010 Banister Lane &
3708-3818 Garden Villa Lane
(South Austin Neighborhood Council)
(Dawson Area Neighborhood Group)
14. C14-83-074 VILLAGE JOINT VENTURE FROM: Interim "AA", 1st
By: Bruce N. Sloan H&A
4606-4710 & 4816-5308 Convict TO: Tr.1 "A-2", Tr.2
Hill Rd. also bounded by Dry Wells "A-2", Tr.3 "A-2",
Road and Woodcreek Road Tr.4 "AA", Tr.5
5107-5227 & 6401-6905 Beckett Rd. "AA", Tr.6 "A-2",
5303-5317 McCarty Lane Tr.7 "BB", 1st H&A
5000 Cornelia Drive also bounded
by Rolling Meadows Rd. and
proposed William Cannon
(Brodie Lane Homeowners Assn.)
(West Creek Neighborhood Assn.)
(Village of Western Oaks Neigh. Assn.)
(Western Oaks Neigh. Assn.)
15. C14-83-075 RICHARD SIEVERS (FOR ROBERT FROM: "B-H", 2nd H&A
SIEVERS) TO: "O-H", 2nd H&A
By: Leslie Johnston (RPC)
1604 E. 11th Street
(Robertson Hill Neigh. Organization)
(MLK/11th Street Assn.)
(Central East Austin Assn.)
(Blackshear Residents)
(Guadalupe Area Neighborhood Assn.)
16. C14-83-076 ROBERT L. PHILLIPS FROM: "A", 1st H&A
402 West 44th Street TO: "BB", 1st H&A
(Hyde Park Neighborhood Assn.)
17. C14-83-077 UNIVERSITY PRESBYTERIAN CHURCH FROM: "B", 2nd H&A
By: Thomas I. Davies TO: "C", 2nd H&A
2207 San Antonio Street
(Save University Neighborhoods)
18. C14-83-078 FLOYD CANTWELL FROM: Interim "A", 1st H&A
By: Thomas A. Goebel TO: "O-1", 1st H&A
4505 Spicewood Springs Road
(Northwest Austin Civic Assn.)
(Balcones Civic Assn.)

19. C14-83-079 LEON SCHMIDT FROM: Interim "AA", 1st
By: S.A. Garza Engineers, Inc. H&A
3422 South Lamar TO: "GR", 1st H&A
(A Better Barton Creek)
20. C14-83-080 NASH PHILLIPS/COPUS, INC. FROM: Interim "A", 1st H&A
By: Craig B. Alter TO: "C", 1st H&A
3018-3108 Cameron Loop (Leo St.)
and 8411-8415 Longview Rd.
(Southwest Oaks-Shiloh Neigh. Assn.)
21. C14-83-081 WILLIAMSON CREEK JOINT VENTURE FROM: Interim "A", 1st H&A
By: George Yonge TO: "BB", 1st H&A
Rear of 5200-5400 Nuckols Crossing
Rd., proposed ext. of Stassney Ln.
and proposed Possum Hollow Drive
(Nuckols Crossing Neigh. Assn.)
22. C14-83-082 DAVID L. HOUSTON FROM: "B", 2nd H&A
By: Ronald D. Houston TO: "O", 2nd H&A
2100 Rio Grande - 700 W. 21st St.
(Save University Neighborhoods)
23. C14-83-083 AUSTIN SAENGERRUNDE HOME CO. FROM: "B", 2nd H&A
By: Charles G. Trenckmann TO: "C", 2nd H&A
Rear of 1607 & 1621 San Jacinto St.
(311 E. 17th Street)
(No formal neighborhood group)
24. C14-83-084 JACK K. DISMUKES FROM: "B", 1st H&A
By: Charles S. Teeple TO: "C", 1st H&A
1408 Wheless Lane
(No formal neighborhood group)
25. C14-83-085 ROBERT & RICHARD JENKINS FROM: "AA", 1st H&A
By: Barry M. Campbell TO: "O", 1st H&A
11715 Bell Avenue
(Northwest Oaks Neigh. Assn.)
26. C14-83-086 BETTY R. BRADY FROM: "C-1", 2nd H&A
1009 East 11th Street TO: "C-2", 2nd H&A
(Robertson Hill Neigh. Organization)
(MLK/Eleventh St. Association)
(Central East Austin Assn.)
(Guadalupe Area Neighborhood Assn.)
27. C14-83-087 WILLIAM R. DICKINSON FROM: "B", 1st H&A
By: William D. Brown TO: "O", 1st H&A
1400 Lorrain Avenue
(Concerned Citizens for Develop-
ment of West Austin)

28. C14-83-088 ABE WIEGERS, ET AL FROM: "A", 1st H&A
By: Phyllis Dell TO: "O", 2nd H&A
56 Rainey Street
21 - 29 Bierce St.
(Rainey Street Neighborhood Assn.)
(Third Street, Waller Creek Neigh. Assn.)
29. C14-83-089 AGNES K. MCANGUS FROM: "A", 1st H&A
By: William D. Brown TO: "B", 1st H&A
3508-3600 South First St.
(South Austin Neighborhood Council)
(Dawson Area Neighborhood Group)
30. C14-83-090 FRITZ J. & MARTHA BROCKMAN ET AL FROM: Interim "A", "AA",
By: John F. Harrison 1st H&A
4709 Spicewood Springs Rd. TO: "A-2", 1st H&A
(Northwest Austin Civic Assn.)
(Balcones Civic Assn.)
31. C14-83-091 MILDRED V. SCHOEN FROM: "BB", 2nd H&A
By: Gary W. Schoen TO: "B", 2nd H&A
307-309 E. 33rd St. &
3206-4208 Tom Green Street
(North University Neigh. Assn.)
32. C14-83-092 C. B. FRANCIS FROM: Interim "AA",
By: Jean Bringol 1st H&A
10609 & 10820 Jollyville Rd. TO: "BB", 1st H&A
(North Oaks Neighborhood Assn.)
(Oak Park Subdivision Assn.)
(Spicewood Springs Valley Area)
33. C14-83-093 CITY OF AUSTIN PLANNING DEPT. FROM: Interim "AA",
Barrington Oaks (part) 1st H&A
(North Oaks Neighborhood Assn.) TO: "AA", 1st H&A
(Spicewood Springs Rd. Valley Assn.)
(Spicewood Springs Valley Area)
(Balcones Village-Spicewood Homeowners)
(Northview Hill Homeowners Assn.)
34. C14-83-095 DAVID EARL & MARY ELIZABETH HOLT FROM: "A", 1st H&A
5402 Jeff Davis TO: "B", 1st H&A
(Central Northwest Neigh. Assn.)
(Allandale Association)
35. C14-83-042 O.P. & PHILIP BOBBITT FROM: Interim "A", 1st H&A
By: S. R. Sheppard TO: "A-2", 1st H&A
4510-4512 Teri Lane
(Franklin Park Homeowners Assn.)
(Southeast Austin Growing Neigh.
Association of Today)
(South Highlands Neigh. Assn.)

36. C814-83-008 MT. BONNELL SHORES SEC. ONE, A 22-unit residential
LOTS 1-22, P.U.D. P.U.D.
By: LRB Joint Venture, EXISTING ZONING: Interim
H.H. Wiener, and Mt. "LA" & "A", 1st H&A
Bonnell Shores Venture
4114-4400 Mt. Bonnell Rd.
(Lake Austin Hill Country Neigh. Assn.)
(Save-Our-Lake Association)
(Lookout Mountain Civic Assn.)
(Highland Park West Homeowners Assn.)
(Windy Cove Neigh. Assn.)
37. C14h-83-013 ARMSTRONG-ODEM HOUSE FROM: "B", 2nd H&A
By: City of Austin TO: "B-H", 2nd H&A
614 Blanco
(Castle Hill Conservation Committee)
(Concerned Citizens for the Develop-
ment of West Austin)
38. C14h-83-014 BERGEN-TODD HOUSE FROM: "C", 2nd H&A
By: Connie Todd Ray TO: "C-H", 2nd H&A
and B.C. Todd
1403-1405 South Congress
(South River City Citizens)

ADJOURNMENT

Council adjourned its meeting at 8:05 p.m. (The lights in the Council Chamber were still out.)